

REMARKS

Claims 1-20 are all the claims pending in the application. The Examiner rejects claims 1-17 and 19-20 under 35 U.S.C. §102(b) as being anticipated by Deguchi (US 5,716,730). Further, the Examiner rejects claim 18 as being unpatentable over Deguchi in view of Jaster (US 2,797,116). The Examiner further provisionally rejects claims 1 and 11 on the grounds of provisional nonstatutory obviousness-type double patenting over claim 1 of co-pending application No. 10/808,776.

Applicant appreciates acknowledgement of foreign priority under 35 U.S.C. §119(a)-(d).

Applicant amends claims 1 and 11, and cancels claim 18 in response to Examiner's comments. Claims 15 and 19 are amended to correct dependencies and minor errors.

Provisional Nonstatutory Obviousness-type Double Patenting

In response to the Examiner's provisional nonstatutory obviousness-type double patenting rejection of claims 1 and 11 over co-pending application No. 10/808,776, applicant has filed a terminal disclaimer on August 25, 2006.

§ 102(b) Rejection Deguchi Reference

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See, MPEP 2131.

The present invention relates to a locking mechanism for securing a battery compartment cover to a mobile communications terminal body, wherein a single release device actuates two or more locking members. When the release device is operated, the two or more locking members move to release latching

members that are fixed to a battery compartment cover thereby releasing the battery compartment cover from a mobile communications terminal body. Each of the release device and locking members are spring biased, and each of the locking members, when actuated, move in different directions. See, App. Figs. 5-8. Because the locking mechanism has two or more locking members, the battery compartment cover is more securely attached to the terminal body. For example, a failure of one of the locking members does not necessarily mean that the cover detaches from the terminal body, whereas, a locking mechanism having only a single locking member is subject to detaching the battery compartment cover if that single locking member fails. A further advantage of multiple locking members over a single locking member is that the battery compartment cover is secured at multiple locations, and that such a locking mechanism is more stable than one having but a single locking member.

Claim 1

Independent claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Deguchi. Deguchi is directed to a locking mechanism used for securing a battery compartment to a mobile communications body. The Examiner relies on the two conductive pins 3 shown in Fig. 4 below as teaching claim 1's plurality of locking members (150 shown in Fig. 6 below). Applicant amends claim 1 to add the limitation that each of the plurality of locking members simultaneously moves in a substantially different direction.

Deguchi teaches "[t]he lock mechanism 10 causes a slider 4 provided in the telephone body 1 and having two conductive pins 3 at its distal end to project from or retract into the wall surface of the mounting portion 1a." See, col.4: 62-65. The conductive pins, a positive terminal and a negative terminal, make electrical contact with the battery when the battery is installed in the battery compartment. Because the conductive pins are formed integral with the slider, they must move in the same direction to lock the battery case within the phone.

Because Deguchi does not teach the locking members simultaneously moving in substantially different directions, Deguchi does not anticipate claim 1, and therefore claim 1 is allowable over Deguchi.

FIG. 4

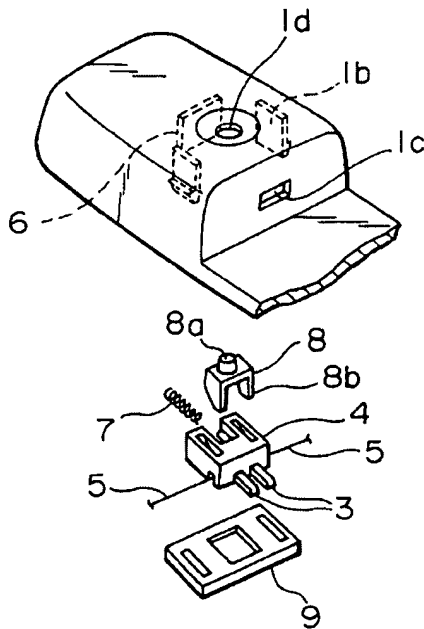
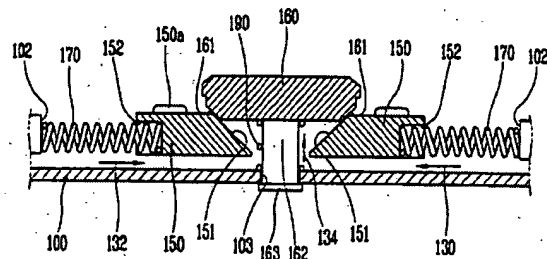


FIG. 6



Claim 11

The Examiner rejects claim 11 for the same reasons as claim 1, namely Deguchi's two conductive pins teach the first and second locking members. Applicant amends claim 11 to recite the first and second locking members simultaneously move in a first and second direction that are substantially different. Deguchi's conductive pins move in the same direction. For similar

reasoning as in claim 1, Deguchi does not anticipate claim 11, and claim 11 as amended is allowable over Deguchi.

Claim 18 is cancelled because the limitation of the first and second direction being substantially different is now in claim 11.

§ 103(a) Rejection Deguchi and Jaster References

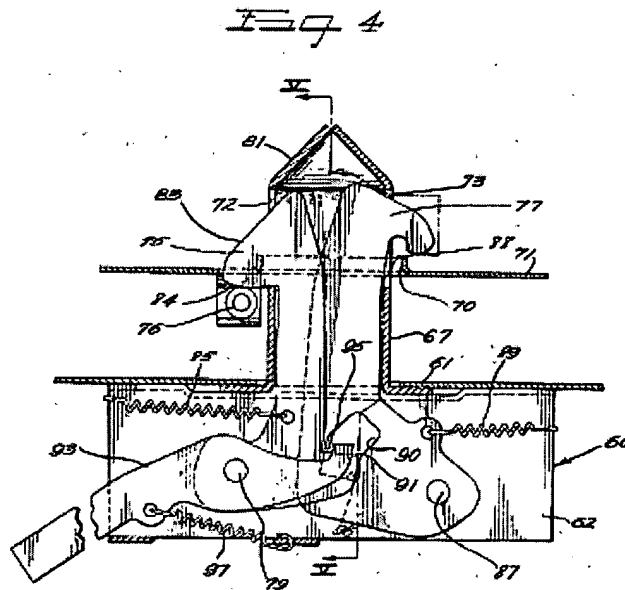
Claim 18

Claim 18 stands rejected under § 103(a) as being unpatentable over Deguchi in view of Jaster. This rejection is now moot because applicant cancels claim 18. However, applicant presents the following remarks to show that Jaster cannot be used to teach all the limitations of the independent claims as amended.

Claims 1 and 11 have been amended to require the locking members move simultaneously in substantially different directions. Jaster relates to an automotive hood latching mechanism having a hood release latch and a safety catch. Because the second catch is a safety catch, it is not intended to operate at the same time as the hood release latch. See, Jaster, col.1:24-27 (“... together with a single release for first releasing the hood latch and then releasing the safety catch, upon movement is a release direction.”) and Jaster, col. 1:39-44 (“... sequentially released by operation of a single release lever having engagement first with a latching lever and second with a safety catch, upon movement of the release lever in a release direction.”)

The operation of the release lever is explained by examining Jaster, Fig. 4 reproduced below for convenience. Release lever 93 is moved in a clockwise direction around pivot 79 to first operate the latching lever 75. Latching lever 75 is normally held in an engaged position with the hood by spring 85. When the release lever 93 is moved in a clockwise direction, ear 91 first engages surface 91 of the latch lever 75 causing latching lever 75 to rotate in a clockwise direction

about pivot 79 thereby disengaging the latching lever 75 from the hood keeper 76. By continuing to rotate the release lever 75 in a clockwise direction, the ear 91 then contacts surface 96 of the safety latch 77 causing the safety latch 77 to rotate counter-clockwise about pivot 87 and the safety latch 77 to retractably move into the nose 67 thereby releasing the hood. See, Jaster, generally, col. 4:73 – 5:7.



Jaster does not teach the limitation of claims 1 and 11 of simultaneously moving the locking members in substantially different directions. Deguchi and Jaster in combination or individually do not teach this limitation, and independent claims 1 and 11 are allowable as are all claims dependent therefrom. Applicant respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain at issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly invited to contact the undersigned at (213) 623-2221.

Respectfully submitted,
Lee, Hong, Degerman, Kang & Schmadeka

Date: November 22, 2006

By:



Jeffrey J. Lotspeich
Registration No. 45,737
Attorney for Applicant(s)

Customer No. 035884